

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Donald Whitten

v.

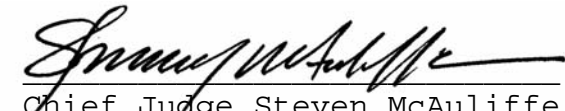
Civil No. 09-cv-450-SM

Northern NH Correctional
Facility, Warden, et al

Re: Document No. 27, Motion for Summary Judgment

Ruling: Granted. Defendants move for summary judgment on grounds that the prisoner-plaintiff did not invoke or exhaust available administrative remedies before filing suit, as required by the Prisoner Litigation Reform Act. See 42 U.S.C. ss 1997e. Plaintiff has not responded to the motion for summary judgment and, taking the assertions of fact by defendants as uncontested, it is apparent that plaintiff's suit is subject to dismissal for failure to exhaust available administrative remedies. See Woodford v. Ngo, 548 U.S. 81 (2006). The complaint is dismissed.

Date: August 13, 2010


Chief Judge Steven McAuliffe
United States District Court

cc: Donald Whitten
Nancy J. Smith, Esq.